IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5961 OF 2004

Mr.Suraj C.Naik ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr.N.N.Gavankar with Mr.Arfan Sait for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 11, 2005.

P.C.

1. Heard Counsel for the parties.

2. Statement was made before this Court by the Additional Advocate General as back as on 9th October 2002 to the effect that the Applicant will be given 72 hours notice before arrest. The Investigating Officer has now given notice to the Applicant of his intention to arrest the Applicant vide letter dated 28th December 2004.

3. Without going into the contentious issues raised in this Application, the appropriate course, to my mind, is to extend limited protection to the Applicant to enable the Applicant to apply for regular bail before the appropriate Court.

4. Applicant not to be arrested till 18th January 2005, on or before which date, the Applicant shall surrender before the appropriate Court and make application for regular bail, if so advised.

5. The concerned Court shall decide the bail application on its own merits in accordance with law, on the date when it is presented or on such other date, as may be convenient, and in the meantime, pass appropriate interim order, if so advised.

6. The Applicant shall give advance notice to the Investigating Officer before moving the appropriate Court for regular bail.

7. In the meantime, the Applicant shall extend necessary cooperation to the Investigating Officer for the purpose of investigation, as and when called upon.

8. Application disposed of on the above terms.

9. All concerned to act on an ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.